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Use and application of United Nations standards and norms in crime prevention and criminal justice

Joint statement submitted by the American Civil Liberties Union, Amnesty International, Centro de Estudios Legales y Sociales, Conectas Direitos Humanos, Centro Regional de Derechos Humanos y Justicia de Género, the International Commission of Catholic Prison Pastoral Care, the Friends World Committee for Consultation, and Penal Reform International, non-governmental organizations in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present document is reproduced in the form in which it was received.

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Statement

The above-mentioned non-governmental organizations submit this statement relating to the revision process of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the draft resolution tabled on this process by Argentina, Ecuador, Nicaragua, Norway, Poland, South Africa, Spain and Thailand (E/CN.15/2014/L.9).

We welcome the continued effort to bring the United Nations Standard Minimum Rules into the 21st Century, the progress made in the process so far and the increasing cross-regional support for the revision by Member States.

We value the acknowledgment by Member States in the "Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World" that an effective, fair and humane criminal justice system needs to be based on the commitment to uphold the protection of human rights in the administration of justice and stressing the value of United Nations standards and norms in designing and implementing criminal justice policies, laws, procedures and programmes.

We believe that the revision of the Standard Minimum Rules provides a historic opportunity to this end.

The revision of the Rules, which have become a benchmark for the treatment of incarcerated persons and a blueprint for national prison legislation and regulation, allows for the incorporation of human rights standards and good prison management practice developed in the 60 years since their adoption, and provides a crucial tool in improving prison conditions, in upholding the human dignity of detainees and in establishing effective, fair and humane criminal justice systems.

In order to achieve these goals, any changes to the Rules must not lower any of the existing standards, and we welcome the strong consensus on this principle in previous resolutions of the Crime Commission, ECOSOC and the United Nations General Assembly.

In this regard, we also point to Human Rights Council resolution A/HRC/24/12 of 23 September 2013 which reiterates "that any changes should not lower any existing standards but should reflect recent advances in correctional science and best practices as well as human rights standards" (OP 16) and to the resolution of the United Nations General Assembly on "Torture and other cruel, inhuman or degrading treatment or punishment" A/RES/68/156 (OP 38), equally referring as a benchmark to "recent advances in correctional science and best practices as well as international human rights obligations and commitments of States".

The undersigned organizations therefore stress that revisions need to reflect advances in correctional science and good prison management, but also in human rights standards, and propose the amendment of OP 6 of the draft resolution in this regard.

Since many of the standards referred to have been developed in the area of human rights, we strongly encourage Member States to include in their delegations at any subsequent inter-governmental meeting not only experts from the correctional

science field, but also human rights experts, and suggest the incorporation of respective text in OP 12 of the draft resolution.

We note the positive inter-agency cooperation in the process so far, interconnecting standards and expertise in criminal justice as well as human rights, and believe that the input of United Nations agencies and bodies with a mandate to protect the rights and dignity of detainees forms part of the historic opportunity the revision process provides.

In this regard, we particularly welcome the report of the Special Rapporteur on torture submitted to the United Nations General Assembly 2013 (United Nations Doc. A/68/295 of 9 August 2013), providing guidance on necessary changes in order to fulfil the obligation to prevent torture and other ill-treatment, and the input and participation of other key human rights bodies and institutions such as the Office of the High Commissioner for Human Rights, the Committee Against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, the Inter-American Commission on Human Rights and the World Health Organization.

We appreciate the participation of civil society organizations in the open-ended inter-governmental expert group meetings, and believe that their continuing participation and sharing of expertise and practical experience is a valuable contribution to a thorough and effective revision of the Rules.

As each of these actors has unique and important expertise to bring to the task of revising the Rules, we propose to strengthen the language of OP 7 of the draft resolution, inviting relevant United Nations bodies and agencies to contribute to the process and to participate at expert meetings, as also reflected in the General Assembly resolution 65/230 that initiated the process by requesting an open-ended intergovernmental Expert Group.

The undersigned organizations call on Member States to adopt a resolution at the 23rd session of the United Nations Commission on Crime Prevention and Criminal Justice, which includes the following elements:

- Extending the mandate of the open-ended Inter-governmental Expert Group to continue negotiations on the revision of the Standard Minimum Rules in the areas identified within the process (OP 8);
- Encouraging Member States to include in their delegation at the next meeting experts from both the correctional science field and human rights (OP 12);
- Allowing for the participation of all relevant stakeholders in any next Expert Group meeting, including United Nations institutions and human rights bodies and civil society organizations, in order to continue to benefit from their expertise and practical experience (OP 7);
- Reiterating that any changes to the Standard Minimum Rules must not lower any of the existing standards, but should reflect advances in correctional science and good prison management as well as human rights standards (OP 6).